



## YADGAROV & ASSOCIATES, PLLC.

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February 14, 2023

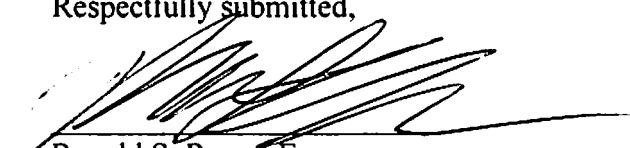
Hon. Katherine Polk-Failla, USDJ  
Southern District of New York  
40 Foley Sq., Room 2103  
New York, NY 10007  
Email: failla\_nysdchambers@nysd.uscourts.gov

Re: Perez -v-Dolgen Corp. of NY, Inc., et al.  
Case No. 22-cv-4324-KPF  
Re: Extension of Fact Discovery Period

Dear Judge Polk-Failla:

The parties in the above titled action respectfully submit the joint letter to request the Court to extend the expert discovery period for an additional 30 days from February 17, 2023 to March 15, 2023, to allow the parties to complete expert disclosures. The reason for this issue is the Plaintiff has yet to receive the narrative reports from Drs. Cruz-Banting and Dr. Capiola. I have spoken with Dr. Cruz-Banting's office and they represented to me they expect to provide a draft narrative report by Friday February 17, 2023. However, Dr. Capiola represented the earliest they could provide the report would be March 7, 2023. The delay in obtaining the narrative reports is hampering the parties' ability to comply with the Court's directive to confer and report by February 17, 2023, on the utility of referring this action to ADR/mediation before the Defendants' motion for summary judgment because the Plaintiff needs the narratives to prepare a demand and allow the Defendants to determine if ADR/mediation will be fruitful. The parties ask the Court to grant the extension because it will facilitate the parties' settlement evaluations and have the potential to conserve Court resources by avoiding motion practice.

Respectfully submitted,

  
Ronald S. Ramo, Esq.  
Yadgarov & Associates, PLLC  
Attorneys for Plaintiff

/S/ John D. Goldman  
John D. Goldman, Esq.  
Smith Sovik Kendrick & Sugnet PC  
Attorneys for Defendants



Ronald Ramo, Esq. <rramo@yadlaw.com>

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## Iris Perez v. DolGen

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John D. Goldman <jgoldman@smithsovick.com>  
To: "Ronald Ramo, Esq." <rramo@yadlaw.com>

Wed, Feb 15, 2023 at 11:46 AM

Looks fine. You just have a typo towards the top of the letter - after the March date you have a January date in there. Otherwise it is fine and you can sign my name and file

Sent from my iPhone

On Feb 15, 2023, at 11:41 AM, Ronald Ramo, Esq. <rramo@yadlaw.com> wrote:

[Quoted text hidden]

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 Iris Perez Letter to Judge Faila.pdf  
49K